

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 3, 4, 6, and 9-15 are pending in the present application. Claims 3, 4, and 6 are presently amended. Support for the present amendment can be found in the originally filed specification, for example, at page 13, lines 1-10 and page 16, line 13 to page 17, line 1.

Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 3, 4, 6, 9, and 11-15 were rejected under 35 U.S.C. § 102(e) as anticipated by Weiler et al. (U.S. Patent No. 6,725,205, hereinafter “Weiler”); and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Weiler in view of Tanaka (U.S. Patent No. 6,721,879).

In response to the rejection of Claims 3, 4, 6, 9, and 11-15 under 35 U.S.C. § 102(e) as anticipated by Weiler, Applicants respectfully traverse this rejection.

Applicants’ amended Claim 3 recites, *inter alia*, a data recording medium for use with a recording/reproducing apparatus, including:

***when the medium identification information is
detected on the data recording medium by the
recording/reproducing apparatus, the designated program is
executed.***

Weiler describes that software is assigned a target serial number unique to each system installation.¹ Additionally, Weiler describes that each disk drive in a computer system that is authorized to have the software installed thereon receives a target serial number associated with the system installation.² To install the software, a software installation procedure determines whether the disk drive has the target serial number associated with the system installation.³ If the software installation procedure determines that disk drive has the

¹ See Weiler, at column 4, lines 10-12.

² See Weiler, at column 4, lines 40-51.

³ See Weiler, at column 5, lines 37-44.

target serial number matching the target serial number assigned to the software, then the software is installed.⁴

However, it is respectfully submitted that Weiler does not disclose or suggest a data recording medium for use with a recording/reproducing apparatus, including, “when *the medium identification information is detected on the data recording medium* by the recording/reproducing apparatus, *the designated program is executed.*”

Instead, Weiler describes that the software is only installed when the software installation program detects that *the hard disk drive* has a target serial number that matches a target serial number associated with the software. Thus, in the system described in Weiler, the software is installed in response to the *hard disk drive* having target serial number, and not when the target serial number is detected on the medium containing the software.

It is respectfully submitted that amended Claim 6 recites method steps that correspond to those features discussed above with respect to Claim 3.

Therefore, it is respectfully submitted that Weiler does not disclose or suggest every feature recited in amended Claims 3 or 6. Accordingly, Applicants respectfully request that the rejection of independent Claims 3 and 6, and Claims 4, 9, and 11-15 which are dependent thereon, under 35 U.S.C. § 102(e) be withdrawn.

Turning now to the outstanding rejection of Claim 10 under 35 U.S.C. § 103(a) as unpatentable over Tanaka, Applicants respectfully traverse this rejection.

It is noted that Claim 10 is dependent from Claim 3, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Tanaka does not cure any of the above-noted deficiencies of Weiler. Accordingly, it is respectfully submitted that Claim 10 is patentable over Weiler in view of Tanaka. Thus,

⁴ See Weiler, at column 5, lines 44-47.

Applicants respectfully request that the outstanding rejection of Claim 10 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 3, 4, 6, and 9-15, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.


Respectfully submitted,

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